IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.108 OF 2006

WITH

CIVIL APPLICATION NO.102 OF 2006

Aparna Supratim Mukherji ...Applicant

Versus

Supratim Mukherji ...Respondent

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Mr.Paritosh Jaiswal i/b Kanga & Co. for Applicant.

Mr.A.M.Vernekar for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 26, 2007.

P.C.

1. Heard Counsel for the parties.

2. I see no propriety in transferring derivative proceedings now taken out by the Respondent which is limited to relief of modification of the final order passed by the Family Court at Mumbai dated 13th January 2006. It is not in dispute that the Applicant had contested

the main proceedings in the Family Court at Mumbai. Assuming that the Applicant is now permanent resident of Pune, that by itself, cannot be the basis to allow this Application which in effect will result in transferring the derivative proceedings to some other Court.

3. As mentioned earlier, the limited prayer in the Application taken out by the Respondent is for modification of the final order passed by the Family Court at Mumbai on 13th January 2006. Accordingly, this Application should fail. The same is dismissed.

A.M.KHANWILKAR, J.